

**TOWN MEETING****ARTICLE: 3(A)****MOTION:**

That the Town vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**An Act Providing for a Selectmen – Town Manager Form of Government in the
Town of Wellesley**

Section 1. Board of Selectmen

(A) The board of selectmen of the town of Wellesley shall consist of five registered voters of the town elected for a term of three years each, the terms of no more than two of which shall expire in any year.

(B) The executive powers of the town shall be vested in the board of selectmen, who shall have all of the powers and duties granted to boards of selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by special law, by town bylaw, or by town meeting vote, except for those powers expressly granted thereby to the town manager.

(C) The town of Wellesley may, by bylaw, authorize the board of selectmen to appoint, by vote of a majority of its members, a town manager with the powers set forth in Section 3 of this act or an acting town manager with such powers as the board of selectmen may deem necessary or appropriate. The board shall appoint a town counsel, special police in accordance with Chapter 330 of the Acts of 1946 as amended and any other appointed board or committee member or official for whom no other method of selection has been provided pursuant to this act or by town bylaw.

(D) Notwithstanding the provisions of any general law to the contrary, the board of selectmen or its designee shall be the local licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be

in the public interest, and to enforce the laws relating to all businesses for which it issues licenses. The board of selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the board of selectmen or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.

Section 2. Town Manager

(A) The town manager of the town of Wellesley shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. No person holding elective public office in the town with the exception of a town meeting member shall, within twelve months of holding the office, be eligible for appointment as town manager. The town may, by bylaw, establish such additional qualifications as it may deem necessary and appropriate; provided, however, that the board of selectmen may establish such further additional qualifications as it may deem necessary and appropriate.

(B) The terms of the town manager's employment may be the subject of a written contract entered into pursuant to Chapter 41, Section 108N of the General Laws. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

(C) The town manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

Section 3. Powers and Duties of Town Manager

(A) Upon appointment, the town manager shall be the chief administrative officer of the town, shall be vested with the powers and duties set forth in Section 3(B), and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in the town manager's charge by or in accordance with this act.

(B) The town manager's powers and duties shall include:

(1) Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the town manager may fix the compensation of all town officers and employees appointed by the town manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

(2) Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the town, or any other general or special law to the contrary, the town manager may appoint a police chief, a fire chief or chief fire engineer, a town clerk and all other department heads and officers. Notwithstanding the provisions of any general or special law to the contrary, appointment of subordinates and all other employees shall be made by the town manager, or the department head or chief staff employee of the affected department if so designated by the town manager. Appointments of the police chief and fire chief or chief fire engineer shall not take effect unless approved by the board of selectmen.

Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall be made only after consultation with such board or committee regarding applicable duties and qualifications; and an opportunity for such board or committee to interview one or more final candidates submitted by the town manager or through a process under the direction of the town manager. Such appointment shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The town manager may remove any employee. The town manager shall provide notice to the affected board or committee before such removal if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee. This subsection shall not apply to employees of the school committee, the municipal light board, appointments made by the commonwealth or appointments for which another method of appointment is provided in this act.

(3) The town manager shall manage and supervise all town departments except for the school department and the municipal light department.

(4) The town manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one town department to another as follows:

(i) For town departments under the supervision of the board of selectmen, with the approval of the board of selectmen; and

(ii) For all other town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

(5) The town manager shall direct the operational and strategic planning for the town.

(6) The town manager shall provide for the execution and enforcement of the provisions of law that require enforcement by town officers and employees subject to the town manager's direction and supervision.

(7) The town manager shall keep the board of selectmen fully informed as to the financial condition and needs of the town and to make such recommendations to the board of selectmen as the town manager may deem necessary or appropriate.

(8) The town manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the board of selectmen at the end of each fiscal year and at such other times as may be required by the board of selectmen.

(9) The town manager shall negotiate collective bargaining agreements for execution by the board of selectmen.

(10) The town manager shall attend all regular and special meetings of the board of selectmen except when excused.

(11) The town manager shall attend all sessions of town meeting in order to be available to answer all questions directed to the town manager that are related to the town manager's office or to matters within the town manager's authority.

(12) The town manager shall prepare and submit a proposed town-wide annual operating budget, financial plan and the long-range capital budget program.

(13) The town manager shall have the authority to approve any warrants for the payment of town funds prepared by the finance director; provided, however, that the approval of any such warrant by the town manager shall be sufficient to authorize payment by the treasurer, and provided further that the board of selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of town manager or in the town manager's absence.

(14) The town manager shall serve as the Executive Officer of the town for the purposes of Chapter 258 of the General Laws.

(15) The town manager shall devote full-time to the office and except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation during the term of office. Except as expressly provided in this act, the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions, and the like, but the town manager may not receive additional compensation for such services.

(16) The town manager shall perform any other duties required by town bylaw, town meeting vote or the board of selectmen not inconsistent with this act.

Section 4. Removal Procedures

The board of selectmen may remove the town manager from office as follows:

(A) By affirmative vote of a majority of its members, the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following its adoption.

(B) Within five days after the delivery of a preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty, nor more than thirty days after such request is submitted. Not less than five days prior to such hearing, written notice thereof shall be given to the town manager at the town manager's last known address. The time limitations set forth herein may be waived in writing by the town manager. Not less than forty-eight hours prior

to the time set for the commencement of the public hearing, the town manager may file a written statement with the board of selectmen responding to the reasons cited for the proposed removal. The town manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(C) The board of selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption or such later date as may be designated therein; provided, however, that such resolution shall not be adopted until:

i. Ten days after the date of delivery to the town manager of the preliminary resolution of removal; or

ii. If the town manager has made a timely request for a public hearing, five days after completion of the public hearing or forty-five days after the adoption of the preliminary resolution, whichever occurs later.

(D) Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive the town manager's compensation until a final resolution of removal has become effective.

Section 5. The term of office of any Town Clerk holding office on the effective date of this section shall continue until it shall have expired and a successor Town Clerk is appointed and qualified, or until the position otherwise becomes vacant.

Section 6. Section 3 of Chapter 555 of the Acts of 1978, as amended by Section 1 of Chapter 247 of the Acts of 1995 and Section 1 of Chapter 164 of the Acts of 2005, is hereby further amended by striking the first and second paragraphs in their entirety and inserting, in place thereof, the following –

Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by town bylaw a finance department. Any such bylaw shall provide that the department shall be responsible to the town manager. The department's duties and responsibilities may include coordination and administration of town financial services and activities, including the town's financial planning; investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the town manager and to appropriate boards and officers of actual or foreseeable obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising

town purchasing and inventory control procedures; administering the disposal of town property; and assisting the town manager in the supervision of all data processing and the development and enforcement of internal controls.

The finance department shall be under the supervision and management of the finance director, who shall be appointed by the town manager, subject to the approval of the board of selectmen, for a term of up to three years. The finance director shall be the chief financial officer of the town and shall serve as the town comptroller and town accountant. Subject to the approval of the town manager, the finance director shall appoint, for up to a three-year term, a town treasurer and collector of taxes, who shall be under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

Section 7. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 4 in its entirety and inserting, in place thereof, the following –

Section 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee and a long-range planning committee. The town manager shall appoint a director of natural resources and may appoint, or delegate to the director the authority to appoint, such other staff for whom funding has been provided. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law.

Section 8. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 9 in its entirety and inserting, in place thereof, the following -

Section 9. Notwithstanding any contrary provisions of Section 69E of Chapter 41 of the General Laws, the superintendent of public works appointed by the town manager shall have the title "Director of Public Works."

Section 9. Sections 5 through 8, inclusive, take effect, and the position of executive director of general government services, created by Section 1 of Chapter 247 of the Acts of 1995, shall be abolished upon the initial appointment of a town manager pursuant to Section 1(C) or the thirtieth day of November, two thousand sixteen, whichever is later.

Section 10. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, that are in force in the town of Wellesley on the effective date of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until modified in accordance with applicable law.

Section 11. Nothing in this Act shall be construed to abridge, alter, or amend the powers and duties of the municipal light board or manager of the municipal light plant as set forth in Chapter 164 of the General Laws.

Section 12. This act shall be submitted for acceptance to the qualified voters of the town of Wellesley at the next regular or special town election following its enactment in the form of the following question, which shall be placed upon the official ballot to be used at said election: -- "Shall an act passed by the General Court in the year two thousand sixteen entitled 'An Act providing for a selectmen-town manager form of government in the town of Wellesley', be adopted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town, but not otherwise.

Approved:

Date

Moderator's Signature

Sponsor's Signature